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09/661,589	09/14/2000	Blake Earl Hayward	P3953	9165

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/661,589

Applicant(s)

HAYWARD, BLAKE EARL

Examiner

Benjamin R Bruckart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 29-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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***Detailed Action***

Claims 29-38 are pending in this Office Action.

Claims 1-28 are canceled.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 33 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 33 and 38 recite the limitation "a relative number." This is vague and indefinite.

The examiner cannot be sure if it's a number of logins or random number.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 29-38 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,199,113 by Alegre et al.**

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Regarding claim 29, a system for authenticating a user of network (Alegre: col. 4, lines 1-7), comprising:

a network-connected verification server for performing the authentication (Alegre: col. 4, lines 31-42; Fig. 2, tag 226); and

a network-connected appliance operable by the user for sending a request for authentication (Alegre: col. 4, lines 8-10; Fig. 2, tag 110);

wherein the request for authentication comprises a network destination for at least one site requiring log-in by the user (Alegre: col. 5, lines 21-27), and a username-password pair for the user (Alegre: col. 4, lines 25-31), and

the server, in response to the request causes navigation to the at least one site and a login attempt with the username-password pair, successful login comprising authentication (Alegre: col. 5, lines 41-47; col. 7, lines 8-13).

Regarding claim 30, the system of claim 29, wherein the network is the Internet network (Alegre: col. 4, lines 17-23).

Regarding claim 31, the system of claim 30, wherein the verification server is a first server (Alegre: col. 4, lines 31; authentication server), and the request is sent from the appliance to a second server (Alegre: col. 4, lines 20-23; user sends request to host), which forwards at least a portion of the request to the first server (Alegre: col. 4, lines 25-31), and the first server returns and indication of verification after causing the navigation and log-in attempt (Alegre: col. 5, lines 41-47; col. 7, lines 8-13).

Regarding claim 32, the system of claim 29, wherein all or a portion of the request is compared against stored user profile data for verification purposes (Alegre: col. 4, lines 31-37).

Regarding claim 33, the system of claim 30, wherein the request comprises a plurality of site and username-password pairs for the sites, and authentication is a relative number based on log-in results (Alegre: col. 4, lines 25-42).

Regarding claim 34, a method for authenticating a user of a network (Alegre: col. 4, lines 1-7), comprising the steps of:

(a) accepting by a server a network destination and a username-password pair as an authentication request from a user (Alegre: col. 4, lines 25-31);

(b) causing, by the server, navigation to the at least one site and a login attempt with the username-password pair (Alegre: col. 7, lines 8-13); and

(c) reporting an indication of authenticity according to success or failure of the login attempt (Alegre: col. 6, lines 13-22).

Regarding claim 35, the method of claim 34, wherein the network is the Internet network (Alegre: col. 4, lines 17-23).

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Regarding claim 36, the method of claim 34 wherein the server is a first server (Alegre: col. 4, lines 31; authentication server), and the request is sent from the appliance to a second server (Alegre: col. 4, lines 20-23; user sends request to host), which forwards at least a portion of the request to the first server (Alegre: col. 4, lines 25-31), and the first server returns an indication of authenticity after causing the navigation and log-in attempt (Alegre: col. 5, lines 41-47; col. 7, lines 8-13).

Regarding claim 37, the method of claim 34 wherein all or a portion of the request is compared against stored user profile data for verification purposes (Alegre: col. 4, lines 31-37).

Regarding claim 38, the method of claim 34, wherein the request comprises a plurality of sites and username-password pairs for the sites, and authentication is a relative number based on log-in results (Alegre: col. 4, lines 25-42).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number is 571-272-3982.

The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3982.

Benjamin R Bruckart  
Examiner  
Art Unit 2155

2/28/05 

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER